Amended Judgment

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

GLOBE SLICING MACHINE CO., INC., and LEWIS NOVOTING,
Plaintiffs,

—against—

ROLF K. HASNER and ASTRID SIVERTSEN,
Defendants.

Amended Judgment Index No. 63 Civ. 384

This Court having entered its judgment herein on November 26, 1963, and the plaintiffs having duly appealed the same to the United States Court of Appeals for the Second Circuit by Notice of Appeal dated December 9, 1963, and the said Court having duly rendered its decision thereon, and having remanded the cause to this Court for amplification of said judgment and modification of its injunctive provisions, and said mandate having been filed in this Court on August 10, 1964, it is hereby ORDERED, ADJUDGED AND DECREED that Paragraph 4 of said judgment be modified to read as follows:

> "4. This Court having rendered its opinion herein on November 19, 1963, granting defendant Hasner's motion for summary judgment, and it appearing that within a matter of hours after rendering of such opinion, plaintiff Novoting entered upon a program designed to circumvent the judgment which he anticipated would be rendered upon such opinion by causing 50 shares of the Class A stock of Globe Slicing Machine Co., Inc. to be trans-

ferred from the treasury of Globe to himself without procuring the authority of the Board of Directors for such transfer, and it further appearing that such transfer is under New York law void in the absence of the approval of the Board of Directors of Globe, plaintiffs, their officers, agents, servants, employees, attorneys and all persons in active concert or participation with them are permanently and perpetually enjoined and restrained from voting any shares of stock of Globe Slicing Machine Co., Inc. which, without the authority of the Board of Directors, has been issued by, or transferred from the treasury of, Globe Slicing Machine Co., Inc. since the commencement of this action.

Dated: New York, New York
October 29, 1964

s/ THOMAS F. MURPHY
U. S. D. J.

JUDGMENT ENTERED

October 29, 1964

s/ JAMES E. VALECHE
Clerk

Rule 9(g) of the Local Rules of the Southern District of New York

Upon any motion for a summary judgment pursuant to Rule 56 of the Rules of Civil Procedure there shall be annexed to the notice of motion a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried.

The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which it is contended there exists a genuine issue to be tried.

All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party.

New York Business Corporation Law

§ 504. CONSIDERATION AND PAYMENT FOR SHARES.—

* * *

(e) Treasury shares may be disposed of by a corporation on such terms and conditions as are fixed from time to time by the board.

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